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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,107	02/08/2001	Matthew J. Murnaghan	034300-140	2971

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EXAMINER	
EWART, JAMES D	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/781,107	MURNAGHAN ET AL.	
	Examiner	Art Unit	
	James D. Ewart	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment dated 17 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 & 17-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 17 July 2006 have been fully considered but they are moot in view of new grounds of rejection.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-15 and 17-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins (U.S. Patent No. 6,516,202) in view of May (U.S. Patent No. 5,043,721) and further in view of Wang et al. (U.S. Patent No. 6,161,134).

Referring to claims 1 and 36, Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a modem within the housing where the modem is adapted to provide communication capability for the personal data assistant through an established communication link between the modem and the personal data

assistant via an interface (Column 2, Line 48- Column 3, Line 22), and logic in the housing adapted to check for message notifications and provide them to the PDA unit (Column 7, Lines 29-35), but does not teach that the logic may check for messages independent of the established communication link, said logic being capable of operation while the PDA is mated to the housing and is running a separate application. May teaches teach that the logic may check for messages independent of the established communication link (Figures 1 & 2 and Column 1, Line 60 to Column 2, Line 1), said logic being capable of operation while the PDA is mated to the housing and is running a separate application (Column 1, Lines 21-25, Column 3, Lines 63-66 and Column 5, Lines 24-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would provide paging capability in a portable computing device (Column 1, Lines 40-41). Hawkins and May teach the limitations of claims 1 and 36 but do not teach that the personal data assistant performs wireless communications while the personal data assistant is running a separate application. Wang et al. teaches that the personal data assistant performs wireless communications while the personal data assistant is running a separate application (Column 21, Line 65 to Column 22, Line 3). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Hawkins and May with the teaching of Wang et al. in that the personal data assistant performs wireless communications while the personal data assistant is running a separate application to provide an information appliance and a network appliance that function independently as well as with each other (Column 1, Line 66 to Column 2, Line 1)

Referring to claims 2, 6-8, 19, 37: Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350.

Referring to claim 3, Hawkins discloses email.

Referring to claims 4, 39, Hawkins discloses a PDA, which is a hand-held data organizer.

Referring to claim 5, Hawkins discloses a battery (Column 4, Lines 37-46).

Referring to claims 9-13, 17, 41, 42, Hawkins discloses a multi-purpose indicator light (Column 3, Lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (Column 7, Lines 28-35). One of ordinary skill in the ad would have found it obvious to use such indicators to provide standard functions such as transmit/receive, connection and server data.

Referring to claim 14, while Hawkins in view of May fails to disclose PCMCIA card supporting CDPD or CDMA, Hawkins discloses that the invention may operate on a number of different systems (Column 2, Lines 40-47), and as such the examiner takes Official Notice of PCMCIA card supporting CDPD or CDMA, asserting that one of ordinary skill in the art would have found such a standard messaging system obvious.

Referring to claims 15, 22, 40: Hawkins discloses a microcontroller.

Referring to claims 18 and 24, May further teaches wherein the logic periodically checks for message notifications while the modem is in a powered down state (Column 5, Line 52-57 & 24-27 & 33-36).

Referring to claims 20, 21, 23, 43-45, the use of an ASIC, FPGA or other programmable logic would have been an obvious substitute for the DSP and microcontroller of Hawkins.

Referring to claims 25, 46, Hawkins discloses a detachable antenna 370.

Referring to claim 38, the invention of Hawkins in view of May would inherently provide the function of claim 38 in a situation where another application is in its idle state.

Referring to claims 26, 31-33, 35, Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a modem within the housing where the modem is adapted to provide communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant (Column 2, Line 48 – Column 3, Line 22), and logic in the housing adapted to check for message notifications and provide them to the PDA unit (Column 7, Lines 29-35), but does not teach that the logic may check for messages independent of the established communication link, said logic being capable of operation while the PDA is mated to the housing and is running a separate application and an indicator which is activated when the logic determines that the modem has received communications, said indicator operating independently

of said established communication link. May teaches that the logic may check for messages independent of the established communication link (Figures 1 & 2 and Column 1, Line 60 to Column 2, Line 1), said logic being capable of operation while the PDA is mated to the housing and is running a separate application (Column 1, Lines 21-25, Column 3, Lines 63-66 and Column 5, Lines 24-44) and an indicator which is activated when the logic determines that the modem has received communications (Column 2, Lines 3-4), said indicator operating independently of said established communication link (Column 2, Lines 4-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would provide paging capability in a portable computing device (Column 1, Lines 40-41). Lastly, Hawkins discloses a multi-purpose indicator light (Column 3 Lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (Column 7, Lines 28-35). One of ordinary skill in the art would have found it obvious to use such indicators like an LED to provide standard functions such as transmit/receive, connection and server data. Hawkins and May teach the limitations of claim 26 but do not teach that the personal data assistant performs wireless communications while the personal data assistant is running a separate application. Wang et al. teaches that the personal data assistant performs wireless communications while the personal data assistant is running a separate application (Column 21, Line 65 to Column 22, Line 3). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Hawkins and May with the teaching of Wang et al. in that the personal data assistant performs wireless communications while the personal data assistant is running a separate application to provide an information appliance and a network appliance that function independently as well as with each other (Column 1, Line 66 to Column 2, Line 1)

Referring to claims 27-29, Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350.

Referring to claim 30, Hawkins discloses a PDA, which is a hand-held data organizer.

Referring to claim 34, Hawkins discloses a detachable antenna 370.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beaton et al. U.S. Patent No. 6,608,637 discloses multitasking graphical user interface.

Chmaytelli U.S. Patent No. 6,233,464 discloses power on/off in combined PDA/Telephone.

Fisher U.S. Patent No. 6,876,379 discloses mobile communications.

Iwamoto U.S. Patent No. 6,366,787 discloses cellular telephone.

Hillenmayer U.S. Patent No. 5,719,936 discloses communication device for mobile operation having telephone and notebook with display.

Jacobs U.S. Patent No. 5,898,920 discloses data communication using a dual mode radiotelephone.

Jeong et al. U.S. Patent No. 6,383,075 discloses portable wireless network game apparatus and method thereof.

Johnson et al. U.S. Patent No. 6,489,974 discloses buoy icon notification of object interface accessibility in multitasking computer environment.

Kim U.S. Patent No. 6,785,561 discloses method of implementing network game function using portable telephone.

LaDue U.S. Patent No. 5,999,808 discloses wireless gaming method.

Lintula et al. U.S. Patent No. 5,884,190 discloses method for making a data transmission connection from a computer to a mobile communication network for transmission of analog and/or digital signals.

Pardo U.S. Patent No. 6,266,539 discloses telephone-docking station for personal digital assistant.

Priestman et al. U.S. Patent No. 6,812,954 discloses mobile communications.

Rautila U.S. Patent No. 6,524,189 discloses multi-player game system using mobile telephone and game unit.

Reznak U.S. Patent No. 6,601,083 discloses multitasking data processing system and method of controlling allocation of a shared resource.

Sato et al. U.S. Patent No. 6,490,509 discloses car controlling unit using a multitasking system.

Sinclair et al. U.S. Patent No. 6,554,707 discloses interactive voice, wireless game system using predictive command input.

Tsai et al. U.S. Patent No. 6,128,372 discloses extension device for telephone.

Umezawa et al. U.S. Patent No. 5,491,507 discloses video telephone equipment.

Yogaratnam U.S. Patent No. 6,513,158 discloses method and apparatus for running multiple java applications simultaneously.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.

Ewart
August 1, 2006

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600